

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 621 OF 2004
IN
SECOND APPEAL NO. 910 OF 2001

Office Notes, Office Memoranda
of of Coram, appearances, Court's
orders and Registrar's orders : Court's or Judge's orders

Shri Pratap Patil for the applicant.

CORAM: P.V. KAKADE, J.

DATED: 10TH SEPT., 2004

P.C.:

1. Heard learned counsel for the applicant.
None present for the respondents. Perused
the record.

2. By this application, the applicant is
seeking direction to the respondents to
repair the suit shed which is said to be in
dilapidated condition or in the alternative
he seeks injunction restraining the
respondents from obstructing repair work in
the suit property which will be carried out
by the applicant. The applicant is a tenant
in the suit property i.e. shed admeasuring
14 x 16 ft. bearing Municipal House
No.2135/A-1 situated at Islampur, Tal.
Walwa, Dist. Sangli where he is carrying out
business of cycle shop.

3. It appears that similar situation had arisen in the year 1984 pending the suit for which purpose the Commissioner was appointed and the suit shed was got repaired. In my view, similar position has arisen at present and, therefore, I do not see any reason why the applicant should not be shown any indulgence in this regard.

There is nothing on record including the reply affidavit challenging the plea of the applicant and, therefore, it is hereby directed that the applicant shall get the repairs carried out at his own expenses and the respondents shall not prevent the applicant from carrying out the repair work in the suit premises i.e. shed admeasuring 14 x 16 ft. at Municipal House No.2135/A-1 at Islampur, Tal. Walwa, Dist. Sangli. After carrying out the repairs, necessary report shall be filed by the applicant in the second appeal.

With these directions, the application stands disposed of with no order as to costs.

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